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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,518	12/06/2000	Masayuki Takahashi	2000-1416A	7609

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/673,518

Applicant(s)

TAKAHASHI, MASAYUKI

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No. 5,675,769 issued to Ruff et al (hereafter Ruff '769).

**Claim 1:**

Ruff '769 discloses a digital data recording/reproduction method for recording and reproducing digital data of clusters, each cluster being the smallest unit of data recording on a disk recording medium, said method comprising a first step of constructing a file structure in which recordable clusters are connected, on the disk recording medium [col 20, lines 52-65]

Examiner maintains a second step of recording digital data from the head of the recordable clusters and a third step of constituting, as a recorded file, the digital data from a recording head cluster to a recording end cluster is inherent in the teaching of Ruff '769.

**Claim 2:**

Ruff '769 discloses when an abend occurs during data recording in the second step, detecting the abend of data recording after recovery from the abend and constituting, as a recorded file, the digital data which has been recorded from the start of data recording to the abend, on the basis of format information of the digital data [col 8, lines 45-53].

**Claims 4 and 9:**

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Ruff '769 discloses wherein the format information of the digital data is time information [abstract].

**Claim 5:**

Ruff '769 discloses recording digital data in the clusters, with a file identifier and cluster connection information being added to the digital data, when an abend occurs during data recording, detecting the abend of data recording after recovery from the abend, and restoring the cluster connection information on the basis of the file identifier and the cluster connection information which are recorded in the clusters [col 8, lines 44-53].

**Claim 6:**

Ruff '769 discloses a disk recoding medium in which digital data is stored in units of clusters, each cluster being the smallest unit of data recording, a file structure management unit for storing the digital data in the disk recording medium or reading the digital data from the disk recording medium and wherein said disk recording medium has a file structure in which all of clusters are connected in advance [col 20, lines 52-65].

**Claim 7:**

Ruff '769 discloses wherein said file structure management unit has a file recovery unit, and when an abend occurs during recording of digital data, the file recovery constitutes, as recorded data, the digital data which has been recorded from the start of data recording to the abend, on the basis of format information of the digital data, after recovery from the abend [col 8, lines 43-53].

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**Claim 10:**

Ruff '769 discloses a disk recording medium in which digital data is stored in units of clusters, each cluster being the smallest unit of data recording, a file structure management unit for storing digital data in the clusters of the disk recording medium, with a file identifier and cluster connection information being added to the clusters, or reading the digital data from the disk recording medium, wherein said file structure management unit has a file recovery unit, and when an abend occurs during recording of digital data, the file recovery unit constitutes, as recorded data, the digital data which has been recorded from the start of data recording to the bend, on the basis of the file identifier and the cluster connection information which are recorded in the clusters, after recovery from an abend [col 20, lines 52-65].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruff '769

**Claim 12:**

Ruff '769 discloses the essential elements of instant invention as noted above.

Ruff fails to disclose a plurality of disk storage units in which digital data are recorded

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a file structure management unit for recording a cluster in which digital data is stored and a file allocation table for managing information about connection of the cluster, in different disk storage units.

Official Notice is taken that a plurality of disk storage units in which digital data are recorded a file structure management unit for recording a cluster in which digital data is stored and a file allocation table for managing information about connection of the cluster, in different disk storage units is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Ruff '769 to include the above for the purpose of providing multiple data storage units so that data security is enhanced.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruff '769 in view of US Pat No. 4,103,338 issued to Cizmic et al (hereafter Cizmic '338)

**Claims 3 and 8:**

Ruff '769 discloses the elements of claims 1, 2, 6 and 7 as noted above.

Ruff '769 fails to disclose wherein the format information of the digital data is a sync byte of a transport packet.

Cizmic '338 discloses wherein the format information of the digital data is a sync byte of a transport packet [Fig 21]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ruff '769 to include wherein the format information of the digital data is a sync byte of a transport packet as taught by Cizmic '338.

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The ordinarily skilled artisan would have been motivated to modify Ruff '769 as above for the purpose of providing a point of reference for the synchronizing of two or more operations.

5. Claims 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruff '769 in view of US Pat No. 6,119,109 issued to Muratani et al (hereafter Muratani '109).

**Claims 11, 14 and 15:**

Ruff '769 discloses the elements of claims 6 and 7 as noted above.

Ruff '769 fails to disclose a digital broadcast receiver for receiving a digital broadcast a controller for controlling the file structure management unit, according to accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein, when an abend of data recording occurs during reception of a fee-charged digital broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast.

Muratani '109 discloses a digital broadcast receiver for receiving a digital broadcast a controller for controlling the file structure management unit, according to accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein, when an abend of data recording occurs during reception of a fee-charged digital broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast [col 16, lines 1-5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ruff '769 to include a digital broadcast receiver for receiving a digital

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broadcast a controller for controlling the file structure management unit, according to accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein, when an abend of data recording occurs during reception of a fee-charged digital broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast as taught by Muratani '109.

The ordinarily skilled artisan would have been motivated to modify Ruff '769 as above for the purpose of improving the invention by providing a customer with an accurate bill for services received by the customer.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ruff '769 and Cizmic '338 and further in view of Muratani '109.

**Claim 13:**

The combination of Ruff '769 and Cizmic '338 disclose the elements of claims 6-8 as noted above.

The combination of Ruff '769 and Cizmic '338 fails to disclose a digital broadcast receiver for receiving a digital broadcast signal and a controller for controlling the file structure management unit, according to accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein when an abend of data recording occurs during reception of a fee-charged digital signal broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast

Muratani '109 discloses a digital broadcast receiver for receiving a digital broadcast signal and a controller for controlling the file structure management unit, according to



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accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein when an abend of data recording occurs during reception of a fee-charged digital signal broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast [col 16, lines 1-5]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ruff '769 and Cizmic '338 to include a digital broadcast receiver for receiving a digital broadcast signal and a controller for controlling the file structure management unit, according to accounting information which indicates whether the received digital broadcast is a fee-charged one or not, wherein when an abend of data recording occurs during reception of a fee-charged digital signal broadcast, the controller discards the recorded data after recovery from the abend so that accounting is not performed on the digital broadcast as taught by Muratani '109.

The ordinarily skilled artisan would have been motivated to modify the combination of Ruff '769 and Cizmic '338 as above for the purpose of improving the invention by providing a customer with an accurate bill for services received by the customer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

September 4, 2003

  
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